REMARKS

Claims 1-9, 11-18, 20-21, 24-31, 33, 35-36, 38, 40-41, 43, 45, 47-54 and 56 are Allowable

The Office has rejected claims 1-54 and 56, at paragraph 3 of the Office Action, under 35 U.S.C. §102(e), as being anticipated by "E-Mail Attachments in Eudora: How to be a Super Sender," http://web.archive.org/web/19981205180047www.stanford.edu/group/itss-customer/d ("Eudora Instructions" herein, to differentiate the instructions from the Eudora program). Applicant has canceled claims 10, 19, 22, 23, 32, 34, 37, 39, 42, 44 and 46 without prejudice or disclaimer. Applicant respectfully traverses the remaining rejections.

None of the cited references, including Eudora Instructions, disclose or suggest each and every element of claim 1. For example, Eudora Instructions does not disclose a graphical user interface (GUI) associated with a web-based email system hosted by a web server, the GUI comprising a first user-selectable button having associated text that includes a verbal of "attach," where in response to selection of said first user-selectable button a file is capable of being selected by a user without display of a user-selectable button having associated text that includes the word "browse", as recited in claim 1. Instead, Eudora Instructions discloses finding a document to be attached in a file dialog screen, highlighting it, and clicking on an Attach button. *See* Eudora Instructions, p. 3. Eudora Instructions does not disclose a GUI associated with a web-based email system hosted by a web server. Therefore, Eudora Instructions does not disclose each and every element of claim 1. Hence, claim 1 is allowable.

Claims 2-9, 11-18, 20-21, and 24-26 depend from claim 1, which Applicant has shown to be allowable. Hence, Eudora Instructions fails to disclose at least one element of each of claims 2-9, 10-18, 20-21, and 24-26. Accordingly, claims 2-9, 10-18, 20-21, and 24-26 are also allowable, at least by virtue of their dependence from claim 1.

Further, the dependent claims recite additional features that are not disclosed by the cited references. For example, Eudora Instructions does not disclose that the verbal has an adjectival use form, as recited in claim 3, or that the text comprises "find file to attach" as recited in claim

5, or that the infinitive has a passive voice, as recited in claim 6, or that the text comprises "find file to be attached", as recited in claim 7. In contrast to claims 3, 5, 6, and 7, Eudora Instructions discloses "Go to a message menu and select Attach Document." *See* Eudora Instructions, page 3. For this additional reason, claims 3, 5, 6, and 7 are allowable.

None of the cited references, including Eudora Instructions, disclose the specific combination of claim 27. For example, Eudora Instructions does not disclose or suggest a graphical user interface (GUI) associated with a web-based email system hosted by a web server, as recited in claim 27. Further, Eudora Instructions does not disclose or suggest a graphical user interface including a first user-selectable button having associated text therein that includes "Find File to Attach," the first user-selectable button to initiate a file browser of an operating system, as recited in claim 27. Instead, Eudora Instructions discloses that to send an attachment in Eudora, the user is to go to the Message menu and select Attach Document, after which a dialog box will open. *See* Eudora Instructions, page 2, last line. Therefore, Eudora Instructions does not disclose each element of claim 27. Hence, claim 27 is allowable.

None of the cited references including Eudora Instructions, disclose the specific combination of claim 28. For example, Eudora Instructions does not disclose or suggest in response to receiving a user selection of a first user-selectable button, initiating a graphical user interface (GUI) element to find at least one file to attach to a message, as recited in claim 28. Instead, Eudora Instructions discloses finding a document to be attached in a file dialog screen, highlighting it, and clicking on an Attach button. *See* Eudora Instructions, page 3, lines 1-2. Eudora Instructions does not disclose initiating a GUI element to find at least one file to attach to a message, but instead directs a user to find the document to be attached in a file dialog screen. Further, Eudora Instructions does not disclose or suggest a GUI that is associated with a web-based email system hosted by a web server, as recited in claim 28. Therefore, Eudora Instructions does not disclose each and every element of claim 28. Hence, claim 28 is allowable.

Claims 29-31, 33, 35-36, 38, 40-41, 43, 45, and 47-54 depend from claim 28, which Applicant has shown to be allowable. Therefore, Eudora Instructions does not disclose at least one element of each of claims 29-31, 33, 35-36, 38, 40-41, 43, 45, and 47-54. Hence, claims 29-

31, 33, 35-36, 38, 40-41, 43, 45, and 47-54 are allowable, at least by virtue of their dependence from claim 28.

Further, the dependent claims recite additional features that are not disclosed by the cited references. For example, none of the references, including Eudora Instructions, disclose or suggest a verbal including an infinitive of "attach," as recited in claim 29, or a verbal including a gerund of "attach," as recited in claim 45. Instead, Eudora Instructions discloses going to the Message menu and selecting Attach Document. *See* Eudora Instructions, page 2, last line. For this additional reason, claims 29 and 45 are allowable.

None of the cited references including Eudora Instructions, disclose the specific combination of claim 56. For example, Eudora Instructions does not disclose or suggest a computer readable medium including instructions to attach a selected file automatically. Rather, Eudora Instructions discloses highlighting the document to be attached, and clicking on the Attach button. Therefore, Eudora Instructions does not disclose each and every element of claim 56. Hence, claim 56 is allowable.

Claim 55 is Allowable

The Office has rejected claim 55, at paragraph 4 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Eudora Instructions in view of Official Notice. Applicant respectfully traverses the rejection.

As explained above, Eudora Instructions does not disclose or suggest each of the elements of claim 28, from which claim 55 depends. The Official Notice does not disclose the elements of claim 28 that are not disclosed by Eudora Instructions. For example, the Official Notice does not disclose a GUI that is associated with a web-based email system hosted by a web server, as recited in claim 28. Instead, the Official Notice states that audibly displaying text is "notoriously well known in the art." *See* Office Action, page 6. Therefore, Eudora Instructions and the Official Notice, separately or in combination, do not disclose each and every element of claim 28, or of claim 55, which depends from claim 28. Hence, claim 55 is allowable.

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Further, the Official Notice states that audibly displaying text is "notoriously well known in the art." *See* Office Action, page 6. Applicant respectfully traverses the Official Notice. The Office has failed to demonstrate in detail, including references, that audibly displaying text is "notoriously well known in the art." The MPEP states "[o]rdinarily, there must be some form of evidence in the record to support an assertion of common knowledge," and "[i]f such notice is taken, the basis for such reasoning must be set forth explicitly." *See* MPEP 2144.03B. Further, the MPEP states "[t]he examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." *See* Id. Applicant respectively submits that while audibly displaying text may be employed in non-related fields, the Examiner has not demonstrated that audibly displaying text associated with a graphical user interface for uploading files is well known in the art. The MPEP states "…the examiner must provide documentary evidence in the next Office Action if the rejection is to be maintained." *See* MPEP 2144.03C. Applicant respectfully requests withdrawal of the Official Notice and allowance of claim 55.

Claims 57-67 are Allowable

New claim 57 depends from allowable claim 56 and is therefore allowable at least by virtue of its dependence from an allowable claim. New claims 58, 64 and 65 depend from allowable claim 27, and are therefore allowable at least by virtue of their dependence from an allowable claim. New claims 59, 60, 66 and 67 depend from allowable claim 28, and are therefore allowable at least by virtue of their dependence from an allowable claim. New claims 61- 63 depend from allowable claim 1, and are therefore allowable at least by virtue of their dependence from an allowable claim.

CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

_9-10-2007_
Date

Jeffrey G. Toler, Reg. No. 38,342
Attorney for Applicant
TOLER SCHAFFER, L.L.P.
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)

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